

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 4, 2010
7:02 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Brindle and seconded by Member Swenson approving the Council Consent Agenda with the exceptions of Items III.C., Antenna Lease, 6250 Tracy Avenue, TTM Operating Corp/City of Edina; III.G., Resolution No. 2010-36, Lot Division, 5500 and 5504 Halifax Lane; and, III.H., Resolution No. 2010-37, Lot Division, 5200 and 5202 Grandview Avenue.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

NATIONAL PUBLIC WORKS WEEK PROCLAIMED Mayor Hovland read in full a proclamation declaring the week of May 17-22, 2010, as Public Works Week in the City of Edina. **Member Bennett made a motion, seconded by Member Brindle, adopting a proclamation declaring May 17-22, 2010, as Public Works Week in the City of Edina**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Public Works Director Houle accepted the proclamation and presented the National Public Works Week poster and slogan stating, "Public Works: Above, below, and all around you." He then displayed pictures and updated the Council regarding the construction of the new Public Works facility. It was anticipated staff would move into the facility in July. Mr. Houle thanked the Council and citizens of Edina for its support of the Public Works Department.

MINNESOTA ENVIRONMENTAL HEALTH WEEK PROCLAIMED Mayor Hovland read in full a proclamation declaring the week of May 3-9, 2010, to be Minnesota Environmental Health Week in the City of Edina. **Member Swenson made a motion, seconded by Member Brindle, adopting a proclamation declaring May 3-9, 2010, to be Minnesota Environmental Health Week in the City of Edina.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

City Sanitarian Engelman accepted the proclamation and thanked the Council for recognizing the Environmental Health staff. She described the work of the City's Health Department to address a wide variety of public health issues and thanked the staff for its dedicated service to Edina's citizens.

***MINUTES APPROVED – REGULAR MEETING OF APRIL 20, 2010, WORK SESSION OF APRIL 20, 2010, TOWN HALL MEETING OF APRIL 17, 2010, AND CORRECTION OF APRIL 6, 2010 WORK SESSION MINUTES** Motion made by Member Brindle and seconded by Member Swenson approving the minutes of the regular meeting of April 20, 2010, work session of April 20, 2010, town hall meeting of April 17, 2010, and correction of April 6, 2010 work session minutes.

Motion carried on rollcall vote – five ayes.

***AWARD OF BID – COMPUTER EQUIPMENT FOR NEW PUBLIC WORKS BUILDING** Motion made by Member Brindle and seconded by Member Swenson awarding the bid for

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computer switch gear and server racks for new Public Works Building to recommended low bidder, LOGIS, at \$46,718.95.

Motion carried on rollcall vote – five ayes.

ORDINANCE NO. 2010-08 CONTINUED (JULY 6, 2010) – AMENDING SECTION 850 ADDING A BUILDING HEIGHT OVERLAY DISTRICT – JOINT WORK SESSION SCHEDULED

Manager Hughes explained that since the last Council meeting, this draft ordinance was discussed by the Planning Commission, which suggested a joint work session be scheduled for a more detailed review of the draft ordinance. The Council discussed the appropriate format for this discussion and available dates. **Member Bennett made a motion, seconded by Member Swenson, continuing consideration of Ordinance No. 2010-08, amending Section 850 adding a building height overlay district, to the July 6, 2010, meeting and scheduling a joint work session with the Planning Commission on June 1, 2010, starting at 4:30 p.m., to discuss the draft ordinance.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

PUBLIC HEARING SCHEDULED (JUNE 1, 2010) – POTENTIAL ORDINANCE NO. 2010-09 – AMENDING SECTION 900 ON-SALE INTOXICATING LIQUOR LICENSE

Mr. Hughes explained the consideration related to the issuance of an on-sale intoxicating liquor license to a bowling center, which was currently prohibited by the City Code. Based on concerns expressed by the Council on April 6, 2010, the City Attorney prepared a draft amendment to the liquor ordinance. Mr. Hughes noted the proponent had submitted schematic floor plans and elevation drawings. He referenced the conditions imposed with the rezoning that was approved in 2007 and advised the Council may also want to discuss issues related to restrictions on fire pits, outdoor dining, and lighting and noise regulations.

The Council discussed the draft ordinance and asked questions of staff. Attorney Knutson advised the ordinance was drafted for a limited group, restaurants with liquor licenses that had bocce and bowling. It was noted that issues such as fire pits and outdoor dining would be better addressed in another ordinance rather than the liquor ordinance. Mr. Hughes stated the staff report covered a lot of issues because he wanted the Council aware of the conditions imposed on this property and that rules and regulations elsewhere in the Code would affect this business, if the request was approved. It was noted the basic question was whether the Council supported issuance of an on-sale intoxicating liquor license to a bowling facility. Mr. Knutson stated the Council could set this ordinance for public hearing and give direction to staff on additional issues to address in another ordinance, i.e., fire pit. The Council indicated support to move this matter forward for public hearing to obtain input from residents. **Member Swenson made a motion, seconded by Member Housh, setting a public hearing on June 1, 2010, for potential Ordinance No. 2010-09, amending Section 900 on-sale intoxicating liquor licenses.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council requested additional information on the distance between locations of outdoor dining to residential housing and the hours of operation and amount of usage of the Centennial Lakes Park wood burning fire pit.

ANTENNA LEASE APPROVED – 6250 TRACY AVENUE – TTM OPERATING CORP/CITY OF EDINA

Assistant City Manager Worthington advised staff received an inquiry regarding whether this antenna would result in health impacts and if it was to be removed, who would be responsible. Staff had responded that there were multiple cellular antennas throughout the City. Ms. Worthington advised that if the antenna were removed it would be the responsibility of the carrier or party who precipitated the removal. She added this was an existing cellular tower adjacent to the fire station. The City had signed a temporary agreement about a year and one-half ago and the request under consideration was to approve a permanent agreement. The Council discussed

the ability of the City to stay abreast with changing technology. Ms. Worthington advised that each time the City received a lease request, a comprehensive study was completed by the City's consulting engineer. Given the growth in this industry, it was proposed the City ask the League of Minnesota Cities to address issues related to health impact of microwaves. Ms. Worthington explained that federal FCC regulations would not allow the City to block the installation of a cellular antenna based on purported health issues. **Member Brindle made a motion, seconded by Member Bennett, approving a permanent lease agreement with TTM Operating Company for the installation of one wireless antenna at Tracy Fire.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2010-35 ADOPTED ACCEPTING VARIOUS DONATIONS Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by resolution and approved by four favorable votes of the Council accepting the donations. **Member Bennett introduced and moved adoption of Resolution No. 2010-35 accepting various donations.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

***PUBLIC HEARING SCHEDULED (MAY 18, 2010) – CONSIDERATION OF DOMESTIC PARTNERSHIP ORDINANCE AND POLICIES** Motion made by Member Brindle and seconded by Member Swenson setting a public hearing on May 18, 2010, for consideration of ordinance amending City code concerning domestic partners.

Motion carried on rollcall vote – five ayes.

ENERGY & ENVIRONMENT COMMISSION APPOINTMENTS APPROVED Member Brindle made a motion, seconded by Member Bennett, appointing Susan Sheridan Tucker to a term expiring February 1, 2012, and Robert Gubrud to a term expiring February 1, 2013, on the Energy & Environment Commission.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2010-36 TABLED (MAY 18, 2010) – LOT DIVISION, 5500 AND 5504 HALIFAX LANE Planning Director Teague presented the lot division request and answered questions of the Council regarding front-yard width and setback measurements. Concern was expressed that approval would result in reducing sideyard setbacks by four feet, which could impact the home owner to the north. The Council noted if the lot line shift was approved, 19 of the 24 properties on the block would be smaller than the proposed south lot. Attorney Knutson explained there was no legal notification requirement for consideration of a lot-line shift and if approved, both lots would comply with ordinance requirements for frontage. He advised that unless it was found the lot-line shift would not comply with the ordinance; there was no standard to consider denial or revision. Mr. Hughes explained the current ordinance language was drafted to require lot frontage 50 feet back from the street to eliminate the creation of "neck lots." However, it would not eliminate the ability to create a lot with a "jogged" lot line.

The Council concurred with the need to address residents' massing concerns while encouraging rebuilding and protecting the rights of existing property owners. Mr. Teague stated this subdivision was approved two months ago. However, the original resolution was never filed, and now the owner of the southern lot would like a larger rear yard. He advised the deadline for Council action was August 2, 2010, and recommended the matter be tabled to allow time for staff to work with the proponent. The Council expressed concern that the lot owner to the north had not been notified of the proposed lot line shift. **Motion by Member Swenson, seconded by Member Bennett, tabling consideration of Resolution No. 2010-36, lot division, 5500 and 5504**

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Halifax Lane, to May 18, 2010, and directing staff to provide notification of the proposed lot-line shift to the property owner to the north of the subject site.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2010-37 ADOPTED – LOT DIVISION, 5200 AND 5202 GRANDVIEW AVENUE APPROVED

The Council discussed the lot division request and asked questions of staff. It was indicated code was clear that the City was not responsible for maintenance even though the fence was located on the City's right-of-way. In addition, the Code indicated that while the fence encroachment may remain, the fence must be located outside the City's right-of-way if replaced. Attorney Knutson advised the City supported the creation of an easement to assure future owners understand the pool's encroachment and ramifications. **Member Bennett introduced and moved adoption of Resolution No. 2010-37, approving a lot division of 5200 and 5202 Grandview Lane.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

***WATER SHUTOFF AUTHORIZED** Motion made by Member Brindle and seconded by Member Swenson authorizing water shut off at 6227 and 6245 Xerxes Avenue South.

Motion carried on rollcall vote – five ayes.

RESOLUTION NO. 2010-38 ADOPTED – VARIANCE FROM STANDARDS FOR STATE AID OPERATIONS FOR FINAL APPROVAL OF SAP 120-145-028, WEST 70TH STREET REQUESTED

Mr. Houle presented the West 70th Street project history and recommended variance to State Aid standards. He described the language conflict between the Bike Guide Manual and State Aid Manual and presented diagrams and pictures to describe the revised design to include a gutter pan and lane striping. Staff recommended adoption of the resolution requesting a variance to allow eight-foot parking lane widths and concrete gutter pan adjacent to curb in a five-foot concrete bike lane. Mr. Houle answered questions of the Council about the phased timing of the project and variance process. **Member Swenson introduced and moved adoption of Resolution No. 2010-38, requesting a variance from standards for State Aid Operations West 70th Street, TH 100 to France Avenue (S.A.P. 120-145-028).** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

CSAH 17 – FRANCE AVENUE RESTRIPIING PLAN APPROVED Mr. Houle presented the history of France Avenue reconstruction and restriping plan to create through-lanes, bike-lanes, and turn-lanes that met the goals of the Comprehensive Plan. He advised of the interaction between staff and Hennepin County regarding potential lane configurations and staff's recommendation to not oppose the striping of two through-lanes and ten-foot multi-use shoulders. Mr. Houle noted this design incorporated the complete street system and enhanced safety for all users of the roadway. In addition, staff recommended the City request a striping correction at West 54th Street for the southbound lane.

Mr. Houle and the City Council discussed the County's different options of restriping the roadway. It was noted the Council would also be asked to consider "no parking" signage for certain areas, based on the County's final plan, and there were no current plans to extend the sidewalk on the east side of France Avenue although such a sidewalk in the Comprehensive Plan. Mr. Houle advised that staff would request the County stripe the Edina side parking lane north of West 54th Street. The Council indicated support for staff's recommendation and commended staff for its work with Hennepin County. **Member Swenson made a motion, seconded by Member Housh, not opposing the Hennepin County restriping plan for France Avenue from Trunk Highway 62 to West 54th Street and requesting a striping correction at West 54th Street for the southbound lane.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

RESOLUTION NO. 2010-39 ADOPTED – JOINT POWERS AGREEMENT FOR THE ACQUISITION AND USE OF SCBA AMENDED

Fire Chief Scheerer explained the new agreement allowed for the joint lease or purchase of self-contained breathing apparatus (SCBA) and recommended approval. He advised a federal grant had been received to fund this purchase. The Council recognized that joint powers agreements such as this had resulted in the ability to make economical purchases. **Member Bennett introduced and moved adoption of Resolution No. 2010-39, approving joint and cooperative agreement amendment for the leasing of SCBA.** Member Brindle seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland
Motion carried.

COMMUNITY COMMENT

Christine and Greg Nayman, 7601 Stonewood Court, addressed the Council regarding the use of chemicals to treat weeds at Lewis Park and expressed concerns of potential airborne pollution and impacted aquatics.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Brindle and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated April 22, 2010, and consisting of 29 pages: General Fund \$381,734.33; Communications Fund \$9,637.51; Police Special Revenue \$561.12; Working Capital Fund \$1,529.91; Equipment Replacement fund \$91,709.44; Art Center Fund \$2,609.88; Golf Dome Fund \$13,434.37; Aquatic Center Fund \$1,949.23; Golf Course Fund \$52,319.09; Ice Arena Fund \$15,919.24; Edinborough/Centennial Lakes Fund \$12,476.37; Liquor Fund \$206,038.51; Utility Fund \$39,480.93; Recycling Fund \$37,709.50; PSTF Agency Fund \$951.99; **TOTAL \$868,061.42** and for approval of payment of claims dated April 29, 2010, and consisting of 27 pages: General Fund \$65,055.77; Communications Fund \$2,563.55; Police Special Revenue \$1,830.00; Working Capital Fund \$273,902.89; Equipment Replacement Fund \$13,529.24; Art Center Fund \$7,649.60; Golf Dome Fund \$153.27; Aquatic Center Fund \$980.85; Golf Course Fund \$20,886.29; Ice Arena Fund \$8,585.52; Edinborough/Centennial Lakes Fund \$5,913.14; Liquor Fund \$153,744.23; Utility Fund \$19,202.85; Storm Sewer Fund \$61,685.78; Recycling Fund \$132.49; PSTF Agency Fund \$3,771.62; **TOTAL \$639,587.09.**

Motion carried on rollcall vote – five ayes.

***PETITION REQUESTING CURB AND GUTTER, SHERMAN CIRCLE, REFERRED TO ENGINEERING** Motion made by Member Brindle and seconded by Member Swenson receiving petition requesting curb and gutter for Sherman Circle and referring it to the Engineering Department for processing.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk

Minutes approved by Edina City Council, May 18, 2010.

James B. Hovland, Mayor

Video Copy of the May 4, 2010, meeting available.